UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,770	11/14/2003	Manabu Kusano	9333/363	8765

74989   7590   03/31/2008
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EXAMINER
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ART UNIT	PAPER NUMBER
2153	

MAIL DATE	DELIVERY MODE
03/31/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/713,770	KUSANO ET AL.
	Examiner	Art Unit	
	YASIN M. BARQADLE	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>10 December 2007</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-24</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-24</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>09/25/2007</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the

fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR

1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality

of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on December 10, 2007 has been entered.

Response to Amendment

2.   The amendment filed on December 10, 2007 has been fully considered

but are moot in view of the new grounds of rejection.

- Claims 1-24 are presented for examination

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in

this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another
filed in the United States before the invention thereof by the applicant for patent, or on an
international application by another who has fulfilled the requirements of paragraphs (1),
(2), and (4) of section 371(c) of this title before the invention thereof by the applicant for
patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors

Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology

Technical Amendments Act of 2002 do not apply when the reference is a U.S.

patent resulting directly or indirectly from an international application filed

before November 29, 2000. Therefore, the prior art date of the reference is

determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-

AIPA 35 U.S.C. 102(e)).

Claims 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by

Rosenberg et al US Patent Number 7028082, hereinafter "Rosenberg"

As per claim 22, Rosenberg teaches a multimedia reproducing method (fig. 2),

comprising the acts of:

    providing a server (server 280);

    providing a user record area on the server (col. 14, lines 19-31);

providing a client apparatus operable to connect with the server apparatus

through a network (202); selecting content through the second client apparatus

(col. 9, lines 42-56 and col.12, lines 15-43); registering data from a desired

medium to the user record area on the server apparatus (col. 4, lines 49-67

and col. 42-56); selecting a decoder used to reproduce the content on the client

apparatus based on the desired medium (decoder 222; fig. 22 and 23 and col.

5, lines 9-41. see col. 25, lines 50-67 and col. 26, lines 23-43 storing and

recording a list of selected sound recording implies and using decoder 222

implies selecting based on desired medium); and

decoding data transmitted from the server to the second client apparatus

(decoder 222, fig. 2 and col. 10, lines 1-18 and fig. 26).

As per claim 23, Rosenberg teaches the multimedia reproducing method of

claim 22 further comprising the act of selecting an operating mode relating to

reproduction quality or equalization (see fig. 16 and 17).

As per claim 24, Rosenberg teaches the multimedia reproducing method of

claim 22 wherein the server apparatus generates an operation screen presented

on said second client apparatus based on the content of the selected function

and transmits the screen to said second client apparatus (col. 9, lines 42-56

and col.12, lines 15-43).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or
described as set forth in section 102 of this title, if the differences between the subject
matter sought to be patented and the prior art are such that the subject matter as a whole
would have been obvious at the time the invention was made to a person having ordinary
skill in the art to which said subject matter pertains. Patentability shall not be negatived by
the manner in which the invention was made.

Claims 1-3, 5-14, 16-17 and 19-21 are rejected under 35 U.S.C. 103(a) as

being unpatentable over by Rosenberg et al US Patent Number 7028082,

hereinafter "Rosenberg" in view of Yamaura et al USPN. 7272629, (hereinafter

"Yamaura").

As per claims 1,13 and 17, Rosenberg teaches a multimedia reproducing

system (Fig. 2) comprising:

a first client apparatus (202, fig. 2) including an uploading unit operable

to transmit data from a desired medium to a server apparatus (218, fig. 2), the

server apparatus including a data registering unit operable to register data

transmitted from said first client apparatus by said uploading unit to a user

record area prepared in advance for individual users (user profile 219 are

stored in server 218);

a list presenting unit operable to present a list of contents available be

transmitted to a second client apparatus based on data registered by the data

registering unit (a playlist (fig.4) according to profile of user 110 at device 202

or 299 is presented); and

a server data transmitting/receiving unit operable to transmit data to

said second client apparatus (col. 8, lines 49-53), in response to a selection of

desired contents of the list of contents available to be transmitted to the second

client apparatus (col. 20, lines 16-42; fig. 15 and Col. 21, lines 17-48);

wherein the second client apparatus comprises a selecting unit operable

to select the desired content from the list presented by the list presenting unit

(user 110 selects desired content col. 2, lines 53-65) and a reproducing unit

(processing unit 212) operable to receive the data transmitted from the server

data transmitting/receiving unit and reproduce the data through decoding

(decoder 222, fig. 2) that corresponds to a media type (col. 10, lines 1-18 and

fig. 26).

Although Rosenberg shows substantial features of the claimed invention, he

does not explicitly show transmitting desired music data of a list of music data

in response to selection of the music data by a user.

Nonetheless, this feature is well known in the art and would have been an

obvious modification of the system disclosed by Rosenberg, as evidenced by

Yamaura USPN. (7272629).

In analogous art, whose invention is about a portal server and information

supply method for supplying music content of multiple versions, discloses

transmitting desired music data of a list of music data in response to selection

of the music data by a user (abstract). Giving the teaching of Yamaura, a

person of ordinary skill in the art would have readily recognized the desirability

and the advantage of modifying Rosenberg by employing the system of

Yamaura in order to advantageously allow a user of any one of client terminal

apparatus to acquire any one of music piece data sets possessed or suppliable

by a plurality of music information servers, so that the user can minimize

wasteful expense (col. 19, lines 20-29).

As per claims 2 and 14, Rosenberg teaches a multimedia reproducing system of

claim 1, wherein the reproducing unit includes a plurality of decoders

corresponding to a media type and is operable to select a decoder that

corresponds to the desired medium (consumer device 202 includes one or more

receivers 210 that are operable to tune to a particular broadcast audio or

audio/video channel which implies plurality of decoding system col. 5, lines 9-

33).

As per claim 3, Rosenberg teaches multimedia reproducing system of claim 1,

wherein the reproducing unit includes a decoder and memory operable to store

a plurality of decoding programs that correspond to a media type and is

operable to select a decoding program that corresponds to the desired medium

(col. 5, lines 9-41).

As per claim 5, Rosenberg teaches multimedia reproducing system of claim 1,

wherein the first client apparatus includes a function selecting unit operable to

select an operation mode relating to a reproduction quality, equalization, or

notifying the server apparatus of selection content (see fig. 16 and 17); and the server apparatus includes an operation screen generating unit operable to generate an operation screen presented on said second client apparatus based on the content of the function selected by said function selecting unit, and transmit the screen to the second client apparatus (col.12, lines 15-43).

As per claims 6,16,19 and 23, Rosenberg teaches the multimedia reproducing system, wherein the second client apparatus includes a function selecting unit operable to select an operation mode relating to a reproduction quality, equalization, or notifying the server apparatus of selection content (see fig. 16 and 17); and the server apparatus includes an operation screen generating unit operable to generate an operation screen presented on said second client apparatus based on the content of the function selected by said function selecting unit, and transmit the screen to the second client apparatus (col.12, lines 15-43).

As per claim 7, Rosenberg teaches multimedia reproducing system of claim 1, wherein the list presenting unit provides the second client apparatus with a list of contents prepared by the server apparatus (col.12, lines 15-43); and the server apparatus includes a charging unit operable to conduct purchase processing of selected content (see fig. 8, purchase button).

As per claim 8, Rosenberg teaches multimedia reproducing system of claim 7, wherein the data registering unit registers data relates to selected content in the user record area (In one embodiment, after user 110 selects purchase-button 804, device 202 communicates with a remote server to verify that the user is qualified to make the purchase (e.g., does the user have enough money is his or her account) (step 914). This implies user is registered with the system.

As per claim 9, Rosenberg teaches multimedia reproducing system of claim 1, further comprising: a last position storing unit operable to store last position information indicating the last reproduction position by said reproducing unit; and a last position managing unit operable to manage reading and writing of the last position information to and from the last position storing unit; wherein the data relates to content selected by said second client apparatus is reproduced from a position corresponding to the last position information stored in the last position storing unit (col. 19, lines 1-21 and col. 17, lines 22-49).

As per claim 10, Rosenberg teaches multimedia reproducing system of claim 9, wherein the server data transmitting/receiving unit obtains data corresponding to content selected on the second client apparatus starting from the position corresponding to the last position information stored in the last position storing

unit, and transmits the data to the second client apparatus (col. 19, lines 1-21 and col. 17, lines 22-49).

As per claim 11, Rosenberg teaches multimedia reproducing system of claim 10, further comprising a last position managing unit in said second client apparatus, and is operable to transmit the last position information to the server apparatus (col. 19, lines 1-21 and col. 17, lines 22-49).

As per claim 12 Rosenberg teaches multimedia reproducing system of claim 10, wherein the last position managing unit and the last position storing unit are provided in the server apparatus, and the last position information is stored in the server apparatus (col. 17, lines 22-49).

As per claim 20, Rosenberg teaches the server apparatus of claim 17, wherein the list presenting unit provides a list of contents prepared by the server apparatus, and the server apparatus further comprises a charging unit operable to conduct purchase processing of a selected content when said client apparatus selects the content prepared by said server apparatus (col. 9, lines 42-56 and col.12, lines 15-43).

As per claim 21, Rosenberg teaches the server apparatus of claim 20, wherein data corresponding to selected content is registered to said user record area

when the content is selected on the client apparatus "In one embodiment, after

user 110 selects purchase-button 804, device 202 communicates with a remote

server to verify that the user is qualified to make the purchase (e.g., does the

user have enough money is his or her account) (step 914)" (col. 42-56). This

implies user is registered with the system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived by
> the manner in which the invention was made.

Claim 4,15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over by Rosenberg et al US Patent Number 7028082, hereinafter "Rosenberg"

and Yamaura in view of Dodrill et al USPN. 6643621, (hereinafter "Dodrill").

As per claims 4 and 18, although Rosenberg and Yamaura shows substantial

features of the claimed invention, he does not explicitly show converting data

content into a predetermined format

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Rosenberg and Yamaura, as evidenced by Dodrill USPN. (6643621).

In analogous art, whose invention is a method for referencing and producing audio information, discloses conversion operation specifies an audio output format that is compatible with the type of audio data that is compatible with the originator of the request for information [Col. 7, lines 32-35 and col. 15, lines 28-38]. Giving the teaching of Dodrill, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Rosenberg and Yamaura by employing the system of Dodrill so that the appropriate format that is compatible to each is user's multimedia output system.

Dodrill further teaches wherein the server data transmitting/receiving unit transmits the data corresponding to content in the predetermined format to the client apparatus [abstract, Col. 7, lines 32-35 and col. 15, lines 28-38].

As per claim 15, Dodrill as modified teaches wherein the reproducing unit is provided with a decoder that corresponds to a predetermined format and decodes data converted into the predetermined format [Col. 7, lines 32-35 and col. 15, lines 28-38].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained form the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the

Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free).

YB

Art Unit 2153

/Yasin M Barqadle/

Examiner, Art Unit 2153